

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-14580-81-CII-2014 and
CR No.4849 of 2014**

Date of Decision: August 10, 2016

DEV RAJ

...PETITIONER

VERSUS

JAI DEV

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Rajesh Lamba, Advocate
for the applicant/petitioner.

AUGUSTINE GEORGE MASI, J.

C.M. No.14580-CII of 2014

For the reasons mentioned in the application, which are duly supported by an affidavit of the applicant-petitioner, the application is allowed and delay of 17 days in filing the civil revision stands condoned.

C.M. No. 14581-CII of 2014

For the reasons mentioned in the application, which are duly supported by an affidavit of the applicant-petitioner, the application is allowed and delay of 08 days in re-filing the civil revision stands condoned.

CR No.4849 of 2014

Challenge in this revision petition is to the order dated 14.10.2011 passed by the Rent Controller, Palwal, whereby petition preferred under Section 13 of the Haryana Urban (Control of Rent Eviction) Act, 1973 by the petitioner on the ground of non payment of rent and for his bonafide requirement for establishing his son in business, stands dismissed,

appeal against which preferred by the petitioner has also been dismissed by the Appellate Authority, Palwal, on 30.01.2014.

It is the contention of learned counsel for the petitioner that the petitioner has clearly specified that his son, who is matriculate, is working with him in the same shop for the last about five years. It is further stated therein that he intends to establish his son in the business and, therefore, needed the demised premises, which are two shops. The said two shops are in possession of the respondent-tenant. As per the counsel, the findings are not fully justified, especially when it has specifically been held by the Courts below that it is the need of the landlord which is to be taken as a primary requirement and that has been established by the petitioner in the light of the fact that his son is to be established independently in the business. He, thus, contends that the orders passed by the Courts below do not clearly specify and take into consideration the bonafide requirement and need of the petitioner and, thus, the same cannot be sustained and deserve to be set-aside.

I have considered the submissions made by learned counsel for the petitioner and with his assistance have gone through the impugned orders.

The only plea taken by the petitioner for getting the demised premises vacated is that he wants to establish his son in the business. However, it has neither been specified nor explained as to what type of business he intends to establish in the demised premises for his son. That apart, the petitioner's son has not been examined as a witness, which would support his plea that he wanted to establish his son as an independent

businessman. Merely because there is a desire on the part of the petitioner, which is not of a nature of bonafide necessity, which has to be established by the landlord-petitioner and he having failed to do so, the conclusions as drawn by the Courts below are fully justified and do not call for any interference by this Court. The concurrent findings, as recorded by the courts below, being in accordance with the pleadings and proper appreciation of evidence, which has been led by the parties, do not call for any interference by this Court in exercise of its revisional jurisdiction.

In view of the above, finding no merit in the revision petition, the same stands dismissed.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

August 10, 2016

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No